

REMARKS

Claims 1-4 and 6-26 are pending. No claims are amended, cancelled or new. In the previous response, Applicant articulated distinctions between the pending claims and the cited reference thus indicating the reference insufficient to anticipate the claims. The content of the previous response is incorporated by reference in its entirety. Applicant respectfully traverses the rejections and requests a withdrawal of all rejections as set forth below.

Claims 1, 3, 4, 6 and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by Njemanze (U.S. 6,468,219). As the Examiner is well aware, in order for a reference to anticipate a claim, that reference must teach each element of the properly construed claim. On page 2 of the Office Action under "Response to Arguments", Njemanze's disclosed system is interpreted as teaching "a portal interface including a browser at a remote clinician station". Applicant respectfully traverses.

Njemanze describes a system that "can be programmed to automatically access the Internet 14 and use the 'File Transfer Procedure' to move files ...to a physician or emergency medical service personnel." Njemanze describes how files are sent by the system but does not describe how the files are received or viewed by the physician or medical service personnel. As stated in the previous response, a file moved using the Internet could merely involve sending an email with an attachment or downloading a file directly to a networked computer. The Office Action indicates this is equivalent to what is disclosed in Applicant's specification. While one aspect described in Applicant's specification includes sending a notification of events by email, pager or other means, this aspect of the overall system functionality described by the Applicant, is not what is recited in claim 1, i.e., "a portal interface including a browser at a remote clinician station".

Accessing the Internet and using a "File Transfer Procedure" relates to how files are sent. A portal interface and browser are involved with how a physician would later access and view data that has been sent. Njemanze is

silent regarding how a physician or medical service personnel would access a moved file. Since files cannot be physically moved “to a physician or emergency medical service personnel”, Applicant submits that one having ordinary skill in the art would assume the file is moved or downloaded to a physician’s or medical personnel’s computer or perhaps to an email account. There is no teaching whatsoever in the Njemanze reference, explicit or implied, that the physician would access retrieved data using a portal interface with a web browser. Clearly, Njemanze alone fails to anticipate claim 1 by failing to teach, among other things, “a portal interface including a browser at a remote clinician station providing access to the retrieved data”. Applicant maintains the rejection is improper and should be withdrawn.

Claims 2, 8 and 24-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Njemanze (U.S. 6,468,219). In accordance with the foregoing discussion, Claim 1 is allowable over the cited reference. Claims 2, 8, and 24-26 properly depend on claim 1 and are therefore allowable therewith.

Applicant asserts that the remarks presented herein are fully responsive to the Office Action and are sufficient to overcome the rejections presented in the Office Action. However, there may be other arguments to be made as to why the pending claims are patentable. Applicant does not concede any such arguments by having not presented them herein. Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Further, Applicant reserves the right to re-present any originally filed, cancelled, and/or previously unclaimed subject matter in a subsequently filed continuing application without prejudice or disclaimer.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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